

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

AUDIBLE MAGIC CORPORATION,

Defendant.

Civil Action No. 6:15-cv-00584-RWS-CMC

AUDIBLE MAGIC CORPORATION,

Counterclaim Plaintiff,

v.

BLUE SPIKE, LLC, BLUE SPIKE, INC.,
and SCOTT A. MOSKOWITZ,

Counterclaim Defendants.

**[PROPOSED] ORDER GRANTING MOTION OF THE ELECTRONIC FRONTIER
FOUNDATION TO INTERVENE AND UNSEAL DOCUMENTS**

On this day, the Court considered the Electronic Frontier Foundation's Motion to Intervene and to unseal docket entries.

Having considering the pleadings and good cause appearing,

IT IS HEREBY ORDERED that the Motion of the Electronic Frontier Foundation is GRANTED.

IT IS FURTHER ORDERED that Electronic Frontier Foundation is granted leave to intervene for the limited purpose of unsealing documents.

IT IS FURTHER ORDERED that the following docket entries will be unsealed unless this Court has made a particularized finding that a party has shown good cause to seal certain

information, in which case the proponent of the sealing shall file a public-redacted version of the document containing that information, redacting only that information that the Court has found should be sealed:

- a. Audible Magic's Motion for Summary Judgment of Noninfringement (ECF No. 13), Blue Spike's Response (ECF No. 21), Audible Magic's Reply and Supplemental Reply (ECF No. 22, 37), Blue Spike's Sur-Reply with Additional Attachments (ECF Nos. 27), Blue Spike's Supplemental Sur-Reply with Additional Attachments (ECF Nos. 42), Blue Spike's second Supplemental Sur-Reply (ECF No. 46), and their associated exhibits;
- b. Audible Magic's Motion to Strike (ECF No. 47), Blue Spike's Response to this Motion (ECF No. 54), Audible Magic's Reply to this Response (ECF No. 55), Blue Spike's Sur-Reply (ECF No. 57), and their associated exhibits;
- c. This Court's Report and Recommendation Granting Audible Magic's Motion for Summary Judgment (ECF 56), Blue Spike's Objections to that Report (ECF No. 62), Audible Magic's Response to Blue Spike's Objections (ECF No. 64), Blue Spike's Reply to Audible Magic's Response (ECF No. 70), and Audible Magic's Surreply to Blue Spike's Reply (ECF No. 71);
- d. This Court's Report and Recommendation Granting Audible Magic's Motion to Dismiss its Counterclaim for Infringement of U.S. Patent No. 6,834,308 (on information and belief, ECF No. 77 or 78), Blue Spike's

Objections to that Report (ECF No. 83), and Audible Magic's Response to Blue Spike's Objections (ECF No. 85); and

- e. This Court's Report and Recommendation Denying Blue Spike's Motion for Summary Judgment of Audible Magic's Counterclaims 9–13 (on information and belief, ECF No. 77 or 78), Blue Spike's Objections to that Report (ECF No. 82), and Audible Magic's Response to Blue Spike's Objections (ECF No. 84).

DATED:

UNITED STATES DISTRICT COURT JUDGE